

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant: Simon McGurk et al.

Title: GEL STABILIZED NANOPARTICULATE
ACTIVE AGENT COMPOSITIONS

Appl. No.: 10/659,706

Filing Date: 09/11/2003

Examiner: Unassigned

Art Unit: 3725

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop PATENT APPLICATION
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date Jan 22, 2004

By Michele M. Simkin

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Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Date Submitted: 01/22/2004

(use as many sheets as necessary)

Sheet

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of

3

Complete if Known

Application Number	10/659,706
Filing Date	09/11/2003
First Named Inventor	Simon L. McGurk
Group Art Unit	3725
Examiner Name	Unassigned
Attorney Docket Number	029318-0968

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	4,783,484		VIOLANTE ET AL.	11/08/1988	
	A2	4,826,689		VIOLANTO ET AL.	05/02/1989	
	A3	4,997,454		VIOLANTE ET AL.	03/05/1991	
	A4	5,145,684		LIVERSIDGE ET AL.	09/08/1992	
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Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	10/659,706
Date Submitted: 01/22/2004		Filing Date	09/11/2003
(use as many sheets as necessary)		First Named Inventor	Simon L. McGurk
Sheet 1 of 3		Group Art Unit	3725
		Examiner Name	Unassigned
		Attorney Docket Number	029318-0968

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A43	5,591,456		FRANSON ET AL.	01/07/1997	
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A46	5,628,981		LIVERSIDGE ET AL.	05/13/1997	
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FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A74	WO	02/098565	A1	ELAN PHARMA INTERNATIONAL LIMITED	12/12/2002		

Examiner Signature

Date Considered

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		Office ³	Number ⁴	Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A75	LINDAHL et al., "Characterization of Fluids from the Stomach and Proximal Jejunum in Men and Women," <i>Pharm. Res.</i> , 14(4): 497-502 (1997).	

Examiner
Signature

Date
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